

**BEACH • WHITMAN, LLP**

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 CAMARILLO, CALIFORNIA 93010  
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**ORIGINAL**

Thomas E. Beach - State Bar No. 096321  
 Email: [tom@beachwhitman.com](mailto:tom@beachwhitman.com)  
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 Email: [andyw@beachwhitman.com](mailto:andyw@beachwhitman.com)  
 Attorneys for Defendants  
 ENSIGN FACILITY SERVICES, INC.  
 and THE ENSIGN GROUP, INC.

FILED

JUL 20 2006

JW

19

**UNITED STATES DISTRICT COURT**  
**CENTRAL DISTRICT OF CALIFORNIA**

ERIN BROCKOVICH, on behalf of the United  
 States of America,

Plaintiff,

vs.

THE ENSIGN GROUP, INC., a California  
 Corporation; ENSIGN FACILITY SERVICES,  
 INC., a California Corporation; and DOES 1  
 through 250, inclusive,

Defendants.

CASE NO:

CV06-4554

AHM (PSW)

**NOTICE OF REMOVAL OF A CIVIL  
 ACTION FROM STATE COURT**  
 (Superior Court for the State of California,  
 County of Los Angeles (South District))

[28 USC § 1441(b)]

**JURY TRIAL DEMANDED**

TO THE CLERK OF THE ABOVE ENTITLED COURT:

PLEASE TAKE NOTICE that Defendants, ENSIGN FACILITY SERVICES, INC. and THE  
 ENSIGN GROUP, INC. hereby remove to this Court the State Court action described below.

1. On June 5, 2006 an action was commenced in the Superior Court for the State of  
 California, County of Los Angeles (South District), entitled ERIN BROKOVICH, on behalf of the  
 United States of America vs. ENSIGN FACILITY SERVICES, INC. and THE ENSIGN GROUP,  
 INC., Case No. NC038520.

2. On June 21, 2006, copies of the Complaint were served upon ENSIGN FACILITY  
 SERVICES, INC. and THE ENSIGN GROUP, INC. Thus, this Notice of Removal is filed within  
 30 days after the date on which defendant ENSIGN FACILITY SERVICES, INC. and THE

DOCKETED ON CM

JUL 25 2006

BY

7/21/2006 11:05:15 AM Receipt #: 87056  
Cashier: DRAYSA ELA 1-11  
Paid by: REACH WHITMAN LLP  
2:CV06-04554  
2006-086400 5 - Civil Filing Fee(1) \$50.00  
Amount: \$50.00  
2:CV06-04554  
2006-310000 11 - Special Fund F/F(1) \$190.00  
Amount: \$190.00  
2:CV06-04554  
2006-086400 Filing Fee - Special(1) \$100.00  
Amount: \$100.00  
Check Payment: 5733 /

015108

ORIGINAL

BEACH • WHITMAN, LLP  
760 PASEO CAMARILLO, SUITE 350  
CAMARILLO, CALIFORNIA 93010  
TELEPHONE: (805) 388-3100

1 ENSIGN GROUP, INC. first received a copy of the Complaint and is timely under 28 USC Section  
2 1446(b).

3 3. This action is a civil action of which this Court has original jurisdiction under 28  
4 USC Section 1332, and is one which may be removed to this court by ENSIGN FACILITY  
5 SERVICES, INC. and THE ENSIGN GROUP, INC. pursuant to the provisions of 28 USC Section  
6 1441(b).

7 **Federal Question.**

8 4. Plaintiff's Complaint and claim for relief is authorized and derived solely from  
9 Federal Statute, 42 U.S.C. § 1395y(b). The interpretation of that statute is actually in dispute, and  
10 presents as substantial federal issue. *Grable & Sons Metal Products, Inc. v. Darue Engineering &*  
11 *Manufacturing*, 125 S. Ct. 2363 (2005).

12 **State Court Pleadings**

13 5. Attached hereto, marked as Exhibit "A" and incorporated herein by reference, is a true  
14 and correct copy of the Summons and Complaint received by ENSIGN FACILITY SERVICES, INC.  
15 and THE ENSIGN GROUP, INC.

16 6. Exhibit "A" represents all the processes, pleadings, orders and records received by  
17 ENSIGN FACILITY SERVICES, INC. and THE ENSIGN GROUP, INC. in the State Court action.

18 WHEREFORE, ENSIGN FACILITY SERVICES, INC. and THE ENSIGN GROUP, INC.  
19 prays that this action be removed to this United States District Court, Central District of California.

20  
21 DATED: July 19, 2006

BEACH • WHITMAN, LLP

22  
23 By: 

24 Thomas E. Beach  
25 Andrew K. Whitman  
26 Attorney for Defendants  
27 ENSIGN FACILITY SERVICES, INC.  
28 and THE ENSIGN GROUP, INC.

# EXHIBIT A

# SUMMONS (CITACION JUDICIAL)

SUM-100

**NOTICE TO DEFENDANT:****(AVISO AL DEMANDADO):**

THE ENSIGN GROUP, INC. a California Corporation;  
ENSIGN FACILITY SERVICES, INC., a California Corporation;

and DOES 1 through 250, inclusive  
**YOU ARE BEING SUED BY PLAINTIFF:**

**(LO ESTÁ DEMANDANDO EL DEMANDANTE):**

ERIN BROCKOVICH, on behalf  
of the United States of America

FOR COURT USE ONLY  
(SOLO PARA USO DE LA CORTE)

**CONFORMED COPY**  
OF ORIGINAL FILED  
Los Angeles Superior Court

JUN 05 2006

John A. Clarke, Executive Officer/Clerk

By \_\_\_\_\_

You have 30 CALENDAR DAYS after this summons and legal papers are served on you to file a written response at this court and have a copy served on the plaintiff. A letter or phone call will not protect you. Your written response must be in proper legal form if you want the court to hear your case. There may be a court form that you can use for your response. You can find these court forms and more information at the California Courts Online Self-Help Center ([www.courtinfo.ca.gov/selfhelp](http://www.courtinfo.ca.gov/selfhelp)), your county law library, or the courthouse nearest you. If you cannot pay the filing fee, ask the court clerk for a fee waiver form. If you do not file your response on time, you may lose the case by default, and your wages, money, and property may be taken without further warning from the court.

There are other legal requirements. You may want to call an attorney right away. If you do not know an attorney, you may want to call an attorney referral service. If you cannot afford an attorney, you may be eligible for free legal services from a nonprofit legal services program. You can locate these nonprofit groups at the California Legal Services Web site ([www.lawhelpcalifornia.org](http://www.lawhelpcalifornia.org)), the California Courts Online Self-Help Center ([www.courtinfo.ca.gov/selfhelp](http://www.courtinfo.ca.gov/selfhelp)), or by contacting your local court or county bar association.

Tiene 30 DÍAS DE CALENDARIO después de que le entreguen esta citación y papeles legales para presentar una respuesta por escrito en esta corte y hacer que se entregue una copia al demandante. Una carta o una llamada telefónica no lo protegen. Su respuesta por escrito tiene que estar en formato legal correcto si desea que procesen su caso en la corte. Es posible que haya un formulario que usted pueda usar para su respuesta. Puede encontrar estos formularios de la corte y más información en el Centro de Ayuda de las Cortes de California ([www.courtinfo.ca.gov/selfhelp/espanol](http://www.courtinfo.ca.gov/selfhelp/espanol)), en la biblioteca de leyes de su condado o en la corte que le quede más cerca. Si no puede pagar la cuota de presentación, pida al secretario de la corte que le dé un formulario de exención de pago de cuotas. Si no presenta su respuesta a tiempo, puede perder el caso por incumplimiento y la corte le podrá quitar su sueldo, dinero y bienes sin más advertencia.

Hay otros requisitos legales. Es recomendable que llame a un abogado inmediatamente. Si no conoce a un abogado, puede llamar a un servicio de remisión a abogados. Si no puede pagar a un abogado, es posible que cumpla con los requisitos para obtener servicios legales gratuitos de un programa de servicios legales sin fines de lucro. Puede encontrar estos grupos sin fines de lucro en el sitio web de California Legal Services, ([www.lawhelpcalifornia.org](http://www.lawhelpcalifornia.org)), en el Centro de Ayuda de las Cortes de California, ([www.courtinfo.ca.gov/selfhelp/espanol](http://www.courtinfo.ca.gov/selfhelp/espanol)) o poniéndose en contacto con la corte o el colegio de abogados locales.

The name and address of the court is:

(El nombre y dirección de la corte es):

LOS ANGELES SUPERIOR COURT  
415 West Ocean Boulevard  
415 West Ocean Boulevard  
Long Beach, California 90802  
South District

CASE NUMBER: NC038520

(Número del Caso):

The name, address, and telephone number of plaintiff's attorney, or plaintiff without an attorney, is:

(El nombre, la dirección y el número de teléfono del abogado del demandante, o del demandante que no tiene abogado, es):

Thomas V. Girardi, SEN 36603

(213) 489-5330 (213) 481-1554

GIRARDI &amp; KEESE

1126 Wilshire Blvd

Los Angeles, CA 90017

DATE:

(Fecha) JUN 05 2006 JOHN A. CLARKE

Clerk, by \_\_\_\_\_

(Secretario)

Deputy

(Adjunto)

(For proof of service of this summons, use Proof of Service of Summons (form POS-010).)

(Para prueba de entrega de esta citación use el formulario Proof of Service of Summons, (POS-010)).

**NOTICE TO THE PERSON SERVED: You are served**

1. ☐ as an individual defendant.
2. ☐ as the person sued under the fictitious name of (specify):

3. ☒ on behalf of (specify): THE ENSIGN GROUP INC, A CALIFORNIA CORPORATIONunder: ☒ CCP 416.10 (corporation)☐ CCP 416.20 (defunct corporation)☐ CCP 416.40 (association or partnership)☐ other (specify):☐ CCP 416.60 (minor)☐ CCP 416.70 (conservatee)☐ CCP 416.90 (authorized person)4. ☒ by personal delivery on (date): 6-21-06

Page 1 of 1

**SUMMONS**  
(CITACION JUDICIAL)

SUM-100

**NOTICE TO DEFENDANT:**

**(AVISO AL DEMANDADO):**

THE ENSIGN GROUP, INC. a California Corporation;  
ENSIGN FACILITY SERVICES, INC., a California  
Corporation;

and DOES 1 through 250, inclusive  
**YOU ARE BEING SUED BY PLAINTIFF:**

**(LO ESTÁ DEMANDANDO EL DEMANDANTE):**

ERIN BROCKOVICH, on behalf  
of the United States of America

FOR COURT USE ONLY  
(SOLO PARA USO DE LA CORTE)

**CONFORMED COPY**  
OF ORIGINAL FILED  
Los Angeles Superior Court

JUN 05 2006

John A. Clarke, Executive Officer/Clerk

By \_\_\_\_\_

You have 30 CALENDAR DAYS after this summons and legal papers are served on you to file a written response at this court and have a copy served on the plaintiff. A letter or phone call will not protect you. Your written response must be in proper legal form if you want the court to hear your case. There may be a court form that you can use for your response. You can find these court forms and more information at the California Courts Online Self-Help Center ([www.courtinfo.ca.gov/selfhelp](http://www.courtinfo.ca.gov/selfhelp)), your county law library, or the courthouse nearest you. If you cannot pay the filing fee, ask the court clerk for a fee waiver form. If you do not file your response on time, you may lose the case by default, and your wages, money, and property may be taken without further warning from the court.

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The name and address of the court is:

(El nombre y dirección de la corte es):  
LOS ANGELES SUPERIOR COURT  
415 West Ocean Boulevard  
415 West Ocean Boulevard  
Long Beach, California 90802  
South District

CASE NUMBER:  
(Número del Caso): NC038520

The name, address, and telephone number of plaintiff's attorney, or plaintiff without an attorney, is:

(El nombre, la dirección y el número de teléfono del abogado del demandante, o del demandante que no tiene abogado, es):  
Thomas V. Girardi, SBN 36603 (213) 489-5330 (213) 481-1554  
GIRARDI & KBESE

1126 Wilshire Blvd  
Los Angeles, CA 90017

DATE:

(Fecha) JUN 05 2006 JOHN A. CLARKE

Clerk, by \_\_\_\_\_

(Secretario)

Deputy

(Adjunto)

(For proof of service of this summons, use Proof of Service of Summons (form POS-010).)

(Para prueba de entrega de esta citación use el formulario Proof of Service of Summons, (POS-010)).

(SEAL)

**NOTICE TO THE PERSON SERVED: You are served**

1. ☐ as an individual defendant.  
2. ☐ as the person sued under the fictitious name of (specify):

3. ☒ on behalf of (specify): ENSIGN FACILITY SERVICES INC A CALIFORNIA CORPORATION

- under: ☒ CCP 416.10 (corporation) ☐ CCP 416.60 (minor)  
☐ CCP 416.20 (defunct corporation) ☐ CCP 416.70 (conservatee)  
☐ CCP 416.40 (association or partnership) ☐ CCP 416.90 (authorized person)  
☐ other (specify):

4. ☒ by personal delivery on (date): 6-21-06

**FILED**  
LOS ANGELES SUPERIOR COURT

**GIRARDI & KEESE**

Thomas V. Girardi, State Bar No. 36603

Graham B. LippSmith, State Bar No. 221984

1126 Wilshire Blvd

Los Angeles, CA 90017

Telephone: (213) 489-5330

Facsimile: (213) 481-1554

AL003

JUN 05 2006

JOHN A. CLARKE, CLERK

BY: *Wanda Blalock*  
WANDA BLALOCK, DEPUTY

**SUMMONS  
ISSUED**  
JUN 05 2006

40804

**WILKES & McHUGH, P.A.**

Timothy C. McHugh, State Bar No. 218429

James L. Wilkes, State Bar No. 218514

James M. Morgan, State Bar No. 208668

500 Silver Spur Road, Suite 200

Rancho Palos Verdes, California 90275

Telephone: (310) 406-3003

Facsimile: (310) 406-3005

CASE MANAGEMENT CONFERENCE  
SET FOR 8:30 a.m.

NOV 02 2006

IN DEPARTMENT

OSC 8-21-6

Attorneys for Plaintiff,

**SUPERIOR COURT OF THE STATE OF CALIFORNIA  
FOR THE COUNTY OF LOS ANGELES**

ERIN BROCKOVICH, on behalf  
of the United States of America,

Plaintiff,

vs.

THE ENSIGN GROUP, INC., a California  
Corporation; ENSIGN FACILITY  
SERVICES, INC., a California Corporation;  
and DOES 1 through 250, inclusive,

Defendants.

) Case No.: NC038520  
) Division:  
) Complaint Filed:  
) Assigned to Hon. \_\_\_\_\_

) **COMPLAINT FOR DAMAGES FOR  
) VIOLATION OF MEDICARE  
) SECONDARY PAYER ACT,  
) 42 U.S.C. § 1395y(b)**

CIT/CASE: NC038520 LEA/DEFH:  
RECEIPT # LHMAS0914024  
DATE PAID: 06/05/06 03:51:22 PM  
PAYMENT: \$320.00 Q310  
RECEIVED:  
CHECK: 320.00  
CASH:  
CHANGE:  
CARD:

**COMPLAINT AND DEMAND FOR JURY TRIAL**

Plaintiff, ERIN BROCKOVICH, on behalf of the United States of America, hereby sues Defendants THE ENSIGN GROUP, INC., ENSIGN FACILITY SERVICES, INC., and DOES 1 through 250, inclusive, and alleges as follows:

**VENUE**

1. Some of the acts and omissions that form the basis of this complaint occurred at or near 4029 E. Anaheim Street in the City of Long Beach, which is within this judicial district. Therefore, venue in this court is appropriate.

**PLAINTIFF**

2. Plaintiff ERIN BROCKOVICH, a resident of the State of California, brings this action pursuant to the private cause of action established at 42 U.S.C. § 1395y(b)(3)(A), on behalf of the United States of America, to recover Medicare payments which were made as a result of Defendants' wrongful conduct, and which the Defendants are obligated to pay as Primary Plans, together with all damages allowable under the law.

**DEFENDANTS**

3. Defendants THE ENSIGN GROUP, INC., ENSIGN FACILITY SERVICES, INC., and their related companies and nursing homes ("Ensign") are participant providers in the Medicare program that conduct business in the State of California. Their obligations as participants are set forth in 42 U.S.C. § 1395y(b)(2)(A), and in federal regulations including but not limited to 42 C.F.R. § 411 and 42 C.F.R. § 489. Ensign's fiduciary obligations to the Medicare program are also set forth in a Provider Agreement that Ensign entered into with Medicare. (This Provider Agreement is not in the Plaintiff's possession. The Agreement is in the Defendants' possession and should be produced by the Defendants to the Plaintiff.) At all times relevant to the claims set forth herein, Ensign and its wholly or partially owned subsidiaries owned, operated, and/or managed Medicare-participating nursing homes in the State of California, as well as other states. At all times relevant, Ensign partially carried its own professional liability risk through the use of self-insurance plans, self-insurance retentions, and/or the use of captive insurance subsidiaries.



1           4. Plaintiff is ignorant of the true names and capacities of those Defendants sued  
2 herein as DOES 1 through 250, and for that reason has sued such Defendants by fictitious names.  
3 Plaintiff will seek leave of the Court to amend the Complaint to identify said Defendants when  
4 their identities are ascertained. Plaintiff alleges that DOES 1 through 250 are persons or entities  
5 that engaged in the conduct alleged herein to have been engaged in by the other named  
6 Defendants, and therefore are liable based on the conduct and allegations set forth herein. The  
7 DOE Defendants may include insurance companies that were Primary Plans and responsible to  
8 reimburse Medicare as alleged in this complaint.

9           5. Each Defendant constitutes a "Primary Plan" as defined in the Medicare  
10 Secondary Payer Act ("MSP"), 42 U.S.C. § 1395y(b), and as such is a primary payer under the  
11 MSP.

12                           **DEFENDANTS' WRONGFUL CONDUCT**

13           6. On numerous occasions, Ensign, by and through its employees and agents, caused  
14 harm to Medicare recipients who were patients in Ensign's nursing homes and assisted living  
15 centers, thereby triggering legal obligation on the part of Ensign and the other primary payer  
16 Defendants herein to pay for any consequential medical service, treatment, or medication.  
17 Nevertheless, Ensign provided medical services, treatment and medication to such Medicare  
18 recipients who were harmed by Ensign's own conduct, and thereafter received reimbursement  
19 from Medicare for treating those injured Medicare recipients.

20           7. As stated above, when Ensign's own conduct caused injury to Medicare  
21 recipients, such conduct triggered the liability of the primary payer Defendants named herein to  
22 pay any medical bills incurred as a result of such conduct. *See* 42 C.F.R. § 489.20(f) and (g).  
23 Alternatively, if Medicare advanced conditional payment for the care that the injured Medicare  
24 recipients received as a result of Ensign's conduct, the Defendants had the duty and were  
25 required to reimburse Medicare for such expenditures as primary payers under the MSP. *See* 42  
26 U.S.C. § 1394y(b)(2)(B)(ii).

27           8. Defendants, as primary payers, breached their duties to Medicare by not paying  
28 for the care that injured Medicare recipients received as a result of Ensign's conduct and further

1 by not reimbursing Medicare after Medicare provided conditional payment for the care that such  
2 Medicare recipients received as a result of Ensign's conduct.

3 9. The Defendants knew of Ensign's injurious conduct and further that such conduct  
4 was a triggering event, obligating the Defendants, as primary payers, to pay for any medical  
5 service, treatment or medication.

6 10. Such knowledge came from patient complaints, staff complaints, internal incident  
7 reports and investigations, internal peer review, risk management programs and federally  
8 mandated surveys. Additionally, Defendants knew that certain classes of injuries and illnesses  
9 (such as in-house acquired pressure ulcers, malnutrition, dehydration, fecal impactions, falls,  
10 injuries associated with falls, and preventable infections), occurring on Ensign's premises *after* a  
11 patient's admission to Ensign's nursing homes or assisted living facilities, were sentinel events  
12 of elder abuse, neglect, and negligence on the part of the caregiver. These sentinel events were  
13 reflected in Ensign's billing records and were known to the Defendants, triggering the obligation  
14 to ascertain the cause of such injuries or medical conditions prior to submitting any claim to  
15 Medicare for reimbursement of any services provided to treat the injuries and conditions caused  
16 by Ensign. Defendants collectively as primary payers had in place risk management programs  
17 which were available to all the Defendants, putting the Defendants on notice of the sentinel  
18 events. Nevertheless, Defendants permitted Ensign to bill Medicare directly, and each and every  
19 Defendant failed in its obligation to investigate each claim and to determine the Defendants'  
20 reimbursement liability as primary payers under the MSP.

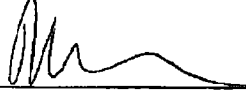
21 11. Although Defendants had actual and constructive notice of the improper billing,  
22 Defendants did not create a mechanism to segregate those Medicare recipients whose injuries  
23 were caused by Ensign's own conduct. Instead, the Defendants allowed Ensign to bill Medicare  
24 for all the care received by Medicare recipients, including those for whom the Defendants had  
25 primary responsibility for payment.

26 12. In every case where Ensign received Medicare payments for the care they  
27 provided to Medicare recipients who were injured as a result of Ensign's own conduct,  
28 Defendants failed to reimburse Medicare as required under the MSP.

1 triable by right.

2  
3 Dated: June 1, 2006

Respectfully submitted,

4 

5 **GIRARDI & KEESE**  
6 **WILKES & MCHUGH, P.A.**  
7 Attorneys for Plaintiff

CM-010

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State, local, and address): Thomas V. Girardi, SBN 36603 GIRARDI & KEESE 1126 Wilshire Blvd  Los Angeles, CA 90017 TELEPHONE NO.: (213) 489-5330 FAX NO.: (213) 481-1554 ATTORNEY FOR (Name): Plaintiff		FOR COURT USE ONLY  <b>FILED</b> LOS ANGELES SUPERIOR COURT  JUN 05 2006  JOHN A. CLARKE, CLERK BY: <i>Wanda Blalock</i> WANDA BLALOCK, DEPUTY	
SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES STREET ADDRESS: 415 West Ocean Boulevard MAILING ADDRESS: 415 West Ocean Boulevard CITY AND ZIP CODE: Long Beach, California 90802 BRANCH NAME: South District			
CASE NAME: Erin Brockovich vs. THE ENSIGN GROUP, INC. a California Corporation, et al.			
<b>CIVIL CASE COVER SHEET</b> <input checked="" type="checkbox"/> Unlimited (Amount demanded exceeds \$25,000)		<input type="checkbox"/> Limited (Amount demanded is \$25,000 or less)  <b>Complex Case Designation</b> <input type="checkbox"/> Counter <input type="checkbox"/> Joinder Filed with first appearance by defendant (Cal. Rules of Court, rule 1811)	
		CASE NUMBER: <b>NC038520</b>  JUDGE: DEPT:	

Items 1-5 below must be completed (see instructions on page 2).

1. Check one box below for the case type that best describes this case:

<b>Auto Tort</b> <input type="checkbox"/> Auto (22) <input type="checkbox"/> Uninsured motorist (46) <b>Other PI/PD/WD (Personal Injury/Property Damage/Wrongful Death) Tort</b> <input type="checkbox"/> Asbestos (04) <input type="checkbox"/> Product liability (24) <input type="checkbox"/> Medical malpractice (45) <input type="checkbox"/> Other PI/PD/WD (23) <b>Non-PI/PD/WD (Other) Tort</b> <input type="checkbox"/> Business tort/unfair business practice (07) <input type="checkbox"/> Civil rights (08) <input type="checkbox"/> Defamation (13) <input type="checkbox"/> Fraud (16) <input type="checkbox"/> Intellectual property (19) <input type="checkbox"/> Professional negligence (25) <input type="checkbox"/> Other non-PI/PD/WD tort (35) <b>Employment</b> <input type="checkbox"/> Wrongful termination (36) <input type="checkbox"/> Other employment (15)	<b>Contract</b> <input type="checkbox"/> Breach of contract/warranty (06) <input type="checkbox"/> Collections (09) <input type="checkbox"/> Insurance coverage (18) <input type="checkbox"/> Other contract (37) <b>Real Property</b> <input type="checkbox"/> Eminent domain/inverse condemnation (14) <input type="checkbox"/> Wrongful eviction (33) <input type="checkbox"/> Other real property (26) <b>Unlawful Detainer</b> <input type="checkbox"/> Commercial (31) <input type="checkbox"/> Residential (32) <input type="checkbox"/> Drugs (38) <b>Judicial Review</b> <input type="checkbox"/> Asset forfeiture (05) <input type="checkbox"/> Petition re: arbitration award (11) <input type="checkbox"/> Writ of mandate (02) <input type="checkbox"/> Other judicial review (39)	<b>Provisionally Complex Civil Litigation (Cal. Rules of Court, rules 1800-1812)</b> <input checked="" type="checkbox"/> Antitrust/Trade regulation (03) <input type="checkbox"/> Construction defect (10) <input type="checkbox"/> Mass tort (40) <input type="checkbox"/> Securities litigation (28) <input type="checkbox"/> Environmental/Toxic tort (30) <input type="checkbox"/> Insurance coverage claims arising from the above listed provisionally complex case types (41)  <b>Enforcement of Judgment</b> <input type="checkbox"/> Enforcement of judgment (20) <b>Miscellaneous Civil Complaint</b> <input type="checkbox"/> RICO (27) <input type="checkbox"/> Other complaint (not specified above) (42) <b>Miscellaneous Civil Petition</b> <input type="checkbox"/> Partnership and corporate governance (21) <input type="checkbox"/> Other petition (not specified above) (43)
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2. This case ☒ is ☐ is not complex under rule 1800 of the California Rules of Court. If the case is complex, mark the factors requiring exceptional judicial management:
- |   |  |
|---|--|
| a. <input type="checkbox"/> Large number of separately represented parties  | d. <input type="checkbox"/> Large number of witnesses  |
| b. <input checked="" type="checkbox"/> Extensive motion practice raising difficult or novel issues that will be time-consuming to resolve | e. <input type="checkbox"/> Coordination with related actions pending in one or more courts in other counties, states, or countries, or in a federal court |
| c. <input checked="" type="checkbox"/> Substantial amount of documentary evidence   | f. <input type="checkbox"/> Substantial postjudgment judicial supervision  |
3. Type of remedies sought (check all that apply):  
 a. ☒ monetary    b. ☐ nonmonetary; declaratory or injunctive relief    c. ☐ punitive
4. Number of causes of action (specify):
5. This case ☐ is ☒ is not a class action suit.
6. If there are any known related cases, file and serve a notice of related case. (You may use form CM-015).

Date: \_\_\_\_\_  
 Thomas V. Girardi, SBN 36603  
 (TYPE OR PRINT NAME) (SIGNATURE OF PARTY OR ATTORNEY FOR PARTY)

**NOTICE**

- Plaintiff must file this cover sheet with the first paper filed in the action or proceeding (except small claims cases or cases filed under the Probate Code, Family Code, or Welfare and Institutions Code). (Cal. Rules of Court, rule 201.8.) Failure to file may result in sanctions.
- File this cover sheet in addition to any cover sheet required by local court rule.
- If this case is complex under rule 1800 et seq. of the California Rules of Court, you must serve a copy of this cover sheet on all other parties to the action or proceeding.
- Unless this is a complex case, this cover sheet will be used for statistical purposes only.

Page 1 of 2

SHORT TITLE: Erin Brockovich vs. ENSIGN GROUP, INC.a California Corporation; ENSIGN FACILITY SERVICES, IN	CAS. ER <div style="font-size: 1.2em; font-weight: bold;">NC038520</div>
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**CIVIL CASE COVER SHEET ADDENDUM AND STATEMENT OF LOCATION  
(CERTIFICATE OF GROUNDS FOR ASSIGNMENT TO COURTHOUSE LOCATION)**

This form is required pursuant to LASC Local Rule 2.0 in all new civil case filings in the Los Angeles Superior Court.

Item I. Check the types of hearing and fill in the estimated length of hearing expected for this case:

JURY TRIAL? ☒ YES CLASS ACTION? ☐ YES LIMITED CASE? ☐ YES TIME ESTIMATED FOR TRIAL 10 HOURS/ ☒ DAYS.

Item II. Select the correct district and courthouse location (4 steps – If you checked "Limited Case", skip to Item III, Pg. 4):

**Step 1:** After first completing the Civil Case Cover Sheet Form, find the main civil case cover sheet heading for your case in the left margin below, and, to the right in Column A, the Civil Case Cover Sheet case type you selected.

**Step 2:** Check one Superior Court type of action in Column B below which best describes the nature of this case.

**Step 3:** In Column C, circle the reason for the court location choice that applies to the type of action you have checked. For any exception to the court location, see Los Angeles Superior Court Local Rule 2.0.

**Applicable Reasons for Choosing Courthouse Location (See Column C below)**

- |   |  |
|---|--|
| 1. Class Actions must be filed in the County Courthouse, Central District.<br>2. May be filed in Central (Other county, or no Bodily Injury/Property Damage).<br>3. Location where cause of action arose.<br>4. Location where bodily injury, death or damage occurred.<br>5. Location where performance required or defendant resides. | 6. Location of property or permanently garaged vehicle.<br>7. Location where petitioner resides.<br>8. Location wherein defendant/respondent functions wholly.<br>9. Location where one or more of the parties reside.<br>10. Location of Labor Commissioner Office. |
|---|--|

**Step 4:** Fill in the information requested on page 4 in Item III; complete Item IV. Sign the declaration.

	<b>A</b> Civil Case Cover Sheet Category No.	<b>B</b> Type of Action (Check only one)	<b>C</b> Applicable Reasons - See Step 3 Above
<b>Auto Tort</b>	Auto (22)	<input type="checkbox"/> A7100 Motor Vehicle - Personal Injury/Property Damage/Wrongful Death	1., 2., 4.
	Uninsured Motorist (46)	<input type="checkbox"/> A7110 Personal Injury/Property Damage/Wrongful Death – Uninsured Motorist	1., 2., 4.
<b>Other Personal Injury/Property Damage/Wrongful Death Tort</b>	Asbestos (04)	<input type="checkbox"/> A6070 Asbestos Property Damage <input type="checkbox"/> A7221 Asbestos - Personal Injury/Wrongful Death	2. 2.
	Product Liability (24)	<input type="checkbox"/> A7260 Product Liability (not asbestos or toxic/environmental)	1., 2., 3., 4., 8.
	Medical Malpractice (45)	<input type="checkbox"/> A7210 Medical Malpractice - Physicians & Surgeons <input type="checkbox"/> A7240 Other Professional Health Care Malpractice	1., 2., 4. 1., 2., 4.
	Other Personal Injury Property Damage Wrongful Death (23)	<input type="checkbox"/> A7250 Premises Liability (e.g., slip and fall)	1., 2., 4.
		<input type="checkbox"/> A7230 Intentional Bodily Injury/Property Damage/Wrongful Death (e.g., assault, vandalism, etc.)	1., 2., 4.
		<input type="checkbox"/> A7270 Intentional Infliction of Emotional Distress	1., 2., 3.
<input type="checkbox"/> A7220 Other Personal Injury/Property Damage/Wrongful Death		1., 2., 4.	
<b>Non-Personal Injury/Property</b>	Business Tort (07)	<input type="checkbox"/> A6029 Other Commercial/Business Tort (not fraud/breach of contract)	1., 2., 3.
	Civil Rights (08)	<input type="checkbox"/> A6005 Civil Rights/Discrimination	1., 2., 3.
	Defamation (13)	<input type="checkbox"/> A6010 Defamation (slander/libel)	1., 2., 3.
	Fraud (16)	<input type="checkbox"/> A6013 Fraud (no contract)	1., 2., 3.
	Intellectual Property (19)	<input type="checkbox"/> A6016 Intellectual Property	2., 3.

SHORT TITLE: Erin Brockovich vs THE ENSIGN GROUP, INC. a California Corporation; ENSIGN FACILITY SERVICES,		CASE NUMBER
A Civil Case Cover Sheet Category No.	B Type of Action (Check only one)	C Applicable Reasons - See Step 3 Above
Professional Negligence (25)	<input type="checkbox"/> A6017 Legal Malpractice <input type="checkbox"/> A6050 Other Professional Malpractice (not medical or legal)	1., 2., 3. 1., 2., 3.
Other (35)	<input type="checkbox"/> A6025 Other Non-Personal Injury/Property Damage tort	2., 3.
Wrongful Termination (36)	<input type="checkbox"/> A6037 Wrongful Termination	1., 2., 3.
Other Employment (15)	<input type="checkbox"/> A6024 Other Employment Complaint Case <input type="checkbox"/> A6109 Labor Commissioner Appeals	1., 2., 3. 10.
Breach of Contract/Warranty (06) (not insurance)	<input type="checkbox"/> A6004 Breach of Rental/Lease Contract (not Unlawful Detainer or wrongful eviction) <input type="checkbox"/> A6008 Contract/Warranty Breach-Seller Plaintiff (no fraud/negligence) <input type="checkbox"/> A6019 Negligent Breach of Contract/Warranty (no fraud) <input type="checkbox"/> A6028 Other Breach of Contract/Warranty (not fraud or negligence)	2., 5. 2., 5. 1., 2., 5. 1., 2., 5.
Collections (09)	<input type="checkbox"/> A6002 Collections Case-Seller Plaintiff <input type="checkbox"/> A6012 Other Promissory Note/Collections Case	2., 5., 6. 2., 5.
Insurance Coverage (18)	<input type="checkbox"/> A6015 Insurance Coverage (not complex)	1., 2., 5., 8.
Other Contract (37)	<input type="checkbox"/> A6009 Contractual Fraud <input type="checkbox"/> A6031 Tortious Interference <input type="checkbox"/> A6027 Other Contract Dispute (not breach/insurance/fraud/negligence)	1., 2., 3., 5. 1., 2., 3., 5. 1., 2., 3., 8.
Eminent Domain/Inverse Condemnation (14)	<input type="checkbox"/> A7300 Eminent Domain/Condemnation Number of parcels _____	2.
Wrongful Eviction (33)	<input type="checkbox"/> A6023 Wrongful Eviction Case	2., 6.
Other Real Property (26)	<input type="checkbox"/> A6018 Mortgage Foreclosure <input type="checkbox"/> A6032 Quiet Title <input type="checkbox"/> A6060 Other Real Property (not eminent domain, landlord/tenant, foreclosure)	2., 6. 2., 6. 2., 6.
Unlawful Detainer - Commercial (31)	<input type="checkbox"/> A6021 Unlawful Detainer-Commercial (not drugs or wrongful eviction)	2., 6.
Unlawful Detainer - Residential (32)	<input type="checkbox"/> A6020 Unlawful Detainer-Residential (not drugs or wrongful eviction)	2., 6.
Unlawful Detainer - Drugs (38)	<input type="checkbox"/> A6022 Unlawful Detainer-Drugs	2., 6.
Asset Forfeiture (05)	<input type="checkbox"/> A6108 Asset Forfeiture Case	2., 6.
Petition re Arbitration (11)	<input type="checkbox"/> A6115 Petition to Compel/Confirm/Vacate Arbitration	2., 5.

SHORT TITLE: Erin Brockovich, THE ENSIGN GROUP, INC., a California Corporation; ENSIGN FACILITY SER	CASE	NC038520
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	A Civil Case Cover Sheet Category No.	B Type of Action (Check only one)	C Applicable Reasons - See Step 3 Above
Judicial Review (Cont'd.)	Writ of Mandate (02)	<input type="checkbox"/> A6151 Writ - Administrative Mandamus	2., 8.
		<input type="checkbox"/> A6152 Writ - Mandamus on Limited Court Case Matter	2.
		<input type="checkbox"/> A6153 Writ - Other Limited Court Case Review	2.
	Other Judicial Review (39)	<input type="checkbox"/> A6150 Other Writ / Judicial Review	2., 8.
Provisionally Complex Litigation	Antitrust/Trade Regulation (03)	<input checked="" type="checkbox"/> A6003 Antitrust/Trade Regulation	1., 2., 8.
	Construction Defect (10)	<input type="checkbox"/> A6007 Construction defect	1., 2., 3.
	Claims Involving Mass Tort (40)	<input type="checkbox"/> A6006 Claims Involving Mass Tort	1., 2., 8.
	Securities Litigation (28)	<input type="checkbox"/> A6035 Securities Litigation Case	1., 2., 8.
	Toxic Tort Environmental (30)	<input type="checkbox"/> A6036 Toxic Tort/Environmental	1., 2., 3., 8.
	Insurance Coverage Claims from Complex Case (41)	<input type="checkbox"/> A6014 Insurance Coverage/Subrogation (complex case only)	1., 2., 5., 8.
Enforcement of Judgment	Enforcement of Judgment (20)	<input type="checkbox"/> A6141 Sister State Judgment	2., 9.
		<input type="checkbox"/> A6160 Abstract of Judgment	2., 6.
		<input type="checkbox"/> A6107 Confession of Judgment (non-domestic relations)	2., 9.
		<input type="checkbox"/> A6140 Administrative Agency Award (not unpaid taxes)	2., 8.
		<input type="checkbox"/> A6114 Petition/Certificate for Entry of Judgment on Unpaid Tax	2., 8.
		<input type="checkbox"/> A6112 Other Enforcement of Judgment Case	2., 8., 9.
Miscellaneous Civil Complaints	RICO (27)	<input type="checkbox"/> A6033 Racketeering (RICO) Case	1., 2., 8.
	Other Complaints (Not Specified Above) (42)	<input type="checkbox"/> A6030 Declaratory Relief Only	1., 2., 8.
		<input type="checkbox"/> A6040 Injunctive Relief Only (not domestic/harassment)	2., 8.
		<input type="checkbox"/> A6011 Other Commercial Complaint Case (non-tort/non-complex)	1., 2., 8.
		<input type="checkbox"/> A6000 Other Civil Complaint (non-tort/non-complex)	1., 2., 8.
Miscellaneous Civil Petitions	Partnership/Corporation Governance (21)	<input type="checkbox"/> A6113 Partnership and Corporate Governance Case	2., 8.
	Other Petitions (Not Specified Above) (43)	<input type="checkbox"/> A6121 Civil Harassment <input type="checkbox"/> A6123 Workplace Harassment <input type="checkbox"/> A6124 Elder/Dependent Adult Abuse Case <input type="checkbox"/> A6190 Election Contest <input type="checkbox"/> A6110 Petition for Change of Name <input type="checkbox"/> A6170 Petition for Relief from Late Claim Law <input type="checkbox"/> A6100 Other Civil Petition	2., 3., 9. 2., 3., 9. 2., 3., 9. 2. 2., 7. 2., 3., 4., 8. 2., 9.



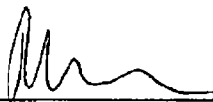
SHORT TITLE: Erin Brockovich vs THE ENSIGN GROUP, INC.a California Corporation; ENSIGN FACILITY SER	CASE NUMBER
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Item III. Statement of Location: Enter the address of the accident, party's residence or place of business, performance, or other circumstance indicated in Item II., Step 3 on Page 1, as the proper reason for filing in the court location you selected.

REASON: CHECK THE NUMBER UNDER COLUMN C WHICH APPLIES IN THIS CASE <input type="checkbox"/> 1. <input checked="" type="checkbox"/> 2. <input type="checkbox"/> 3. <input type="checkbox"/> 4. <input type="checkbox"/> 5. <input type="checkbox"/> 6. <input type="checkbox"/> 7. <input type="checkbox"/> 8. <input type="checkbox"/> 9. <input type="checkbox"/> 10.			ADDRESS: 4029 E. Anaheim Street
CITY: Long Beach	STATE: CA	ZIP CODE: 90804-4110	

Item IV. Declaration of Assignment: I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct and that the above-entitled matter is properly filed for assignment to the LOS ANGELES COUNTY SUPERIOR courthouse in the South District of the Los Angeles Superior Court (Code of Civ. Proc., § 392 et seq., and LASC Local Rule 2.0, subds. (b), (c) and (d)).

Dated: 6/1/06

  
(SIGNATURE OF ATTORNEY/FILING PARTY)  
Thomas V. Girardi

PLEASE HAVE THE FOLLOWING DOCUMENTS COMPLETED AND READY TO BE FILED IN ORDER TO PROPERLY COMMENCE YOUR NEW COURT CASE:

1. Original Complaint or Petition.
2. If filing a Complaint, a completed Summons form for issuance by the Clerk.
3. Civil Case Cover Sheet form CM-010.
4. Complete Addendum to Civil Case Cover Sheet form CIV 109, 03-04 (use latest revision)
5. Payment in full of the filing fee, unless fees have been waived.
6. Signed order appointing the Guardian ad Litem, JC form 982(a)(27), if the plaintiff or petitioner is a minor under 18 years of age, or if required by Court.
7. Additional copies of documents to be conformed by the Clerk. Copies of the cover sheet and this addendum must be served along with the summons and complaint, or other initiating pleading in the case.



<b>SUPERIOR COURT OF CALIFORNIA COUNTY OF LOS ANGELES</b>		<b>FILED</b> LOS ANGELES SUPERIOR COURT Reserved for Clerk's File Stamp  JUN 05 2006  JOHN A. CLARKE, CLERK BY: <i>Wanda Blalock</i> WANDA BLALOCK, DEPUTY
COURTHOUSE ADDRESS: 415 WEST OCEAN BLVD., LONG BEACH, CA 90802		
PLAINTIFF:		
DEFENDANT:		
NOTICE OF CASE MANAGEMENT CONFERENCE		CASE NUMBER: NC038520

TO THE PLAINTIFF(S)/ATTORNEY(S) FOR PLAINTIFF(S) OF RECORD:

You are ordered to serve this notice of hearing to all parties/attorneys of record forthwith, and meet and confer with all parties/attorneys of record about the matters to be discussed no later than 30 days before the Case Management Conference.

Your Case Management Conference has been scheduled at the courthouse address shown above on:

Date: November 2, 2006 Time: 8:30am Div./Dept.: B
---

Pursuant to California Rules of Court, rule 212, a completed Case Management Statement (Judicial Council form # CM-110) must be filed at least 15 calendar days prior to the Case Management Conference. The Case Management Statement may be filed jointly by all parties/attorneys of record or individually by each party/attorney of record. You must be familiar with the case and be fully prepared to participate effectively in the Case Management Conference.

At the Case Management Conference, the Court may make pretrial orders including the following, but not limited to, an order establishing a discovery schedule; an order referring the case to Alternative Dispute Resolution (ADR); an order reclassifying the case; an order dismissing fictitious/unnamed defendants; an order setting subsequent conference and the trial date; or other orders to achieve the goals of the Trial Court Delay Reduction Act (Gov. Code, § 68600 et seq.)

Notice is hereby given that if you do not file the Case Management Statement or appear and effectively participate at the Case Management Conference, the Court may impose sanctions, pursuant to LASC Local Rules Chapter 7.13, Code of Civil Procedure Sections 177.5, 575.2, 583.150, 583.360 and 583.410 and Government Code Section 68608, subdivision (b), and California Rules of Court, rule 200 et seq.

**PATRICK T. MADDEN, JUDGE**

Dated: 6/5/2006

Judicial Officer

### CERTIFICATE OF SERVICE

I, the below named Executive Officer/Clerk of the above-entitled court, do hereby certify that I am not a party to the cause herein, and that on this date I served the Notice of Case Management Conference upon each party or counsel named below:

- ☐ by depositing in the United States mail at the courthouse in \_\_\_\_\_, California, one copy of the original filed herein in a separate sealed envelope to each address as shown below with the postage thereon fully prepaid.
- ☐ by personally giving the party notice upon filing of the complaint.

John A. Clarke, Executive Officer/Clerk

Dated 6/5/2006

By

**W. BLALOCK**

Deputy Clerk

CIV 132 10-03  
LASC Approved

**NOTICE OF CASE MANAGEMENT CONFERENCE**

CRC, rule 212  
LASC Local Rules, Chapter Seven

### NOTICE OF CASE ASSIGNMENT

CASE NUMBER: NC038520

**PLAINTIFF:** You are hereby ordered to appear on ~~08/21/06~~ at 8:30 a.m. in Department SQ B for an Order to show Cause re: Sanctions/Dismissal for failure to serve defendant(s) within 60 days as required by California Rule of Court 201.7. If you file the proof of service timely as to all named defendants, the OSC will be vacated. For Long Beach cases you may call the clerk's office at (562) 491-6234 or (562) 491-6235 and for San Pedro cases you may call (310) 519-6015 two days prior to hearing to verify that the hearing was vacated.

You are hereby notified that this case has been assigned to an Individual Calendar Court and is subject to Delay Reduction Rules as set forth in Chapter 7 of the Los Angeles Superior Court Local Rules.

Based upon your assigned case number, your case is assigned to:

☒ 0-1 Long Beach Courthouse  
Judge Patrick T. Madden  
Department B, 4<sup>th</sup> Floor, Room 42  
415 W. Ocean Blvd.  
Long Beach, CA 90802

☐ 2-3 Long Beach Courthouse  
Judge Joseph E. Di Loreto  
Department H, 5<sup>th</sup> Floor, Room 53  
415 W. Ocean Blvd.  
Long Beach, CA 90802

☐ 4-5 San Pedro Courthouse  
Judge Judith A. Vander Lans  
Division 85, 2<sup>nd</sup> Floor, Room 204  
505 S. Centre Street  
San Pedro, CA 90731

☐ 6-7 San Pedro Courthouse  
Judge Tracy T. Moreno  
Division 86, 2<sup>nd</sup> Floor, Room 212  
505 S. Centre Street  
San Pedro, CA 90731

☐ 8-9 Long Beach Courthouse  
Judge Roy Paul  
Department S, 2<sup>nd</sup> Floor, Room 24  
415 W. Ocean Blvd.  
Long Beach, CA 90802

☐ San Pedro Courthouse  
Judge Elizabeth Allen White  
Division 88C  
638 S. Beacon Street  
San Pedro, CA 90731

This case is assigned for all purposes to the Judge reflected above. All parties are expected to comply with the following:

#### DELAY REDUCTION RULES

The Court's Delay Reduction Rules (LASC Local Rule 7 and California Rules of Court) will be strictly enforced and counsel will be expected to be familiar with them.

#### DUTY OF EACH PLAINTIFF ( AND CROSS-COMPLAINANT)

It shall be the duty of each plaintiff (cross-complainant) to serve a copy of this notice with the complaint (and cross-complaint)

#### CHALLENGE TO AN ASSIGNED JUDGE:

A challenge under Code of Civil Procedure Section 170.6 shall be made to the assigned judge or to the presiding judge by a party within 10 days after notice of all purpose assignment, or if the party has not yet appeared in the action, within 10 days after appearance.

#### CERTIFICATE OF SERVICE

I, the below named Executive Officer/Clerk of the above-entitled court, do hereby certify that I am not a party to the cause herein, and that on this date I served the Notice of Assignment upon the filing party.

☐ by personally giving this party notice upon filing of the complaint

John A. Clarke, Executive Officer/Clerk

Date: 06-05-06

by

, Deputy Clerk

**NOTICE OF CASE ASSIGNMENT**

**GIRARDI & KEESE**  
Thomas V. Girardi, State Bar No. 36603  
Graham B. LippSmith, State Bar No. 221984  
1126 Wilshire Blvd  
Los Angeles, CA 90017  
Telephone: (213) 489-5330  
Facsimile: (213) 481-1554

**WILKES & McHUGH, P.A.**  
Timothy C. McHugh, State Bar No. 218429  
James L. Wilkes, State Bar No. 218514  
James M. Morgan, State Bar No. 208668  
500 Silver Spur Road, Suite 200  
Rancho Palos Verdes, California 90275  
Telephone: (310) 406-3003  
Facsimile: (310) 406-3005

Attorneys for Plaintiff,

**SUPERIOR COURT OF THE STATE OF CALIFORNIA  
FOR THE COUNTY OF LOS ANGELES**

ERIN BROCKOVICH, on behalf	) Case No.:
of the United States of America,	) Division:
	) Complaint Filed:
	) Assigned to Hon. _____
Plaintiff,	)
	)
vs.	) <b>DEMAND FOR JURY TRIAL</b>
	)
	)
THE ENSIGN GROUP, INC., a California	)
Corporation; ENSIGN FACILITY	)
SERVICES, INC., a California Corporation;	)
and DOES 1 through 250, inclusive,	)
	)
Defendants.	)

**NOTICE IS HEREBY** given that Plaintiff ERIN BROCKOVICH, on behalf

///

///

///

1  
Demand For Jury Trial

1 of the United States of America, hereby demands trial by jury in the above-entitled matter.

2 Dated: June 1, 2006

Respectfully submitted,

By:

  
GIRARDI & KEESE  
WILKES & McHUGH, P.A.  
Attorneys for Plaintiff

PROOF OF SERVICE

STATE OF CALIFORNIA, COUNTY OF VENTURA

I am employed in the County of Ventura, State of California. I am over the age of 18 and not a party to the within action. My business address is 760 Paseo Camarillo, Suite 350, Camarillo, California 93010.

On July 19, 2006, I served the foregoing document(s) described as: **NOTICE OF REMOVAL OF A CIVIL ACTION FROM STATE COURT** on the interested parties in this action, by placing \_\_\_\_\_ the original X a true copy thereof enclosed in a sealed envelope addressed as follows:

SEE ATTACHED SERVICE LIST

X **(BY FIRST CLASS MAIL)** I caused such envelope with postage thereon fully prepared to be placed in the United States mail at Camarillo, California. I am "readily familiar" with the firm's practice of collection and processing correspondence for mailing. It is deposited with the U.S. Postal Service on that same day in the ordinary course of business. I am aware that on motion of the party served, service is presumed invalid if postal cancellation date or postage meter date is more than 1 day after date of deposit for mailing in affidavit.

\_\_\_\_ **(BY FACSIMILE TRANSMISSION)** On this date, I transmitted from a facsimile transmission machine in Camarillo, California, whose telephone number is (805) 388-3414 the above-named document was transmitted to the interested parties herein whose facsimile transmission telephone numbers are included in the attached Service List. The above-described transmission was reported as complete without error by a transmission report issued by the facsimile transmission machine upon which the said transmission was made immediately following the transmission. A true and correct copy of the said transmission report is attached hereto and incorporated herein by this reference.

\_\_\_\_ **(BY OVERNIGHT CARRIER)** I placed the above-named document in an envelope or package designated by [GoldenState Overnight Carrier/UPS/Federal Express/Overnite Express] ("express service carrier") addressed to the parties listed on the service list herein, and caused such envelope with delivery fees paid or provided for to be deposited in a box maintained by the express service carrier. I am "readily familiar" with the firm's practice of collection and processing of correspondence and other documents for delivery by the express service carrier. It is deposited in a box maintained by the express service carrier on that same day in the ordinary course of business.

\_\_\_\_ **(BY PERSONAL SERVICE)** I delivered such envelope by hand to the office of the addressee.

\_\_\_\_ **(State)** I declare under penalty of perjury under the laws of the State of California that the above is true and correct.

X **(Federal)** I declare that I am employed in the office of a member of the bar of this court at whose direction the service was made. I declare under penalty of perjury that the foregoing is true and correct.

Executed on July 19, 2006, at Camarillo, California.

  
Kimberly A. Arellanes

**SERVICE LIST**

Brockovich v. The Ensign Group, et al.

**ATTORNEY FOR PLAINTIFFS:**

Thomas V. Girardi  
GIRARDI & KEESE  
1126 Wilshire Blvd.  
Los Angeles, CA 90017

Phone: (213) 489-5330  
Fax: (213) 481-1554

WILKES & MCHUGH  
500 Silver Spur Road, Suite 200  
Rancho Palos Verdes, CA 90275

Phone: (310) 406-3003  
Fax: (310) 406-3005

BEACH • WHITMAN, LLP  
760 PASEO CAMARILLO, SUITE 350  
CAMARILLO, CALIFORNIA 93010  
TELEPHONE: (805) 388-3100

**UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA**

**NOTICE OF ASSIGNMENT TO UNITED STATES MAGISTRATE JUDGE FOR DISCOVERY**

This case has been assigned to District Judge A. HOWARD MATZ and the assigned  
discovery Magistrate Judge is PATRICK J. WALSH.

The case number on all documents filed with the Court should read as follows:

CN06-4554 AHM (PJW)

All discovery related motions should be noticed on the calendar of the Magistrate Judge.

---

**NOTICE TO COUNSEL**

*A copy of this notice must be served with the summons and complaint on all defendants (if a removal action is filed, a copy of this notice must be served on all plaintiffs).*

**Subsequent documents must be filed at the following location:**

- |  |  |  |
|--|--|--|
| <input checked="" type="checkbox"/> <b>Western Division</b><br>312 N. Spring St., Rm. G-8<br>Los Angeles, CA 90012 | <input type="checkbox"/> <b>Southern Division</b><br>411 West Fourth St., Rm 1-053<br>Santa Ana, CA 92701-4516 | <input type="checkbox"/> <b>Eastern Division</b><br>3470 Twelfth St., Rm. 134<br>Riverside, CA 92501 |
|--|--|--|

**Failure to file at the proper location will result in your documents being returned to you.**